IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.675 OF 2006

Shri Kiran D. Kshirsagar and ors. ...Appellants

v/s

Shri Balasaheb D. Chavan and ors. ...Respondents

Mr Sanjay Kshirsagar for Appellants.

None for Respondents.

CORAM : D.K. DESHMUKH J.

DATE : 10TH AUGUST 2007.

P.C. :-

1. This is an appeal filed by the original defendants. The suit of the plaintiffs was for removal of encoroachment on immovable property. The Appeal Court, after considering oral and documentary evidence on record, has held that the plaintiffs have failed to prove that the defendants have occupied the property in 1997. The Appeal Court has found that the structure which is occupied by the defendants is there since 1946. The entire case turns on appreciation of the oral and documentary evidence on record which has been appreciated by the learned Appeal Court. All the findings are necessarily findings of facts. No substantial question of law arises. Appeal is rejected.

. Parties to act on the copy of this order duly authenticated by the Sheristedar / Private Secretary as true copy.

. Certified copy expedited.